

# REQUEST

FOR

## CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/868,515
Filing Date	6/18/01
First Named Inventor	SCHELBERGER et al.
Art Unit	1617
Examiner Name	JIANG
Attorney Docket Number	49651

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

### 1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

### 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

### 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 11-0345
- i. ☐ RCE fee required under 37 CFR 1.17(e) 04/29/2003 RHEBRAHT 00000120 09868515
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 750.00 OP
- iii. ☒ Other ANY DEFICIENCY IN FEES
- b. ☒ Check in the amount of \$ 1,160.00 enclosed to cover the RCE and two month ext. fees.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Herbert B. Keil	Registration No. (Attorney/Agent)	18,967
Signature	<i>Herbert B. Keil</i>	Date	April 22, 2003

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Herbert B. Keil	Date	April 22, 2003
Signature	<i>Herbert B. Keil</i>		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: SCHELBERGER ET AL.

SERIAL No. 09/868,515

FILED: JUNE 18, 2001

FOR: FUNGICIDAL MIXTURES BASED ON MORPHOLINE OR PIPERIDINE  
DERIVATIVES AND OXIME ETHER DERIVATIVES

Box: RCE

CONFIRMATION No.: 1391

GROUP ART UNIT: 1617

EXAMINER:

SHAOJIA A. JIANG

#15/E  
#K9  
5-1-03

RECEIVED  
APR 30 2003  
TECH CENTER 1600/2900

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

REQUEST FOR CONTINUED EXAMINATION  
PRELIMINARY AMENDMENT AND REMARKS

Sir:

This is a Request for Continued Examination pursuant to 37 C.F.R. §1.114 which is filed in response to the final Office action of August 27, 2002, and the supplemental advisory action of March 10, 2003. For further prosecution, kindly enter and consider the following preliminary amendment and remarks:

PRELIMINARY AMENDMENT

IN THE CLAIMS:

Cancel Claim 1, 9 and 10 in favor of new Claims 11 to 22 as indicated in Appendix I attached to this paper. A clean copy of the new claims as herewith submitted is found in the attached Appendix II.